

1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF WASHINGTON
3 AT TACOMA

4 ADRIAN G. SASSEN VANELSOO,

5 Plaintiff,

6 v.

7 RONALD ROGERS, et al.,

8 Defendants.

CASE NO. C16-5574 BHS

ORDER GRANTING PLAINTIFF'S
MOTION FOR EXTENSION OF
TIME AND DENYING
PLAINTIFF'S MOTION FOR
RECONSIDERATION

9 This matter comes before the Court on Plaintiff Adrian G. Sassen Vanelsoo's
10 ("Plaintiff") motion for extension of time to file motion for reconsideration (Dkt. 38) and
11 motion for reconsideration (Dkt. 39).

12 On October 10, 2017, the Court granted Defendants' motion for summary
13 judgment concluding that Plaintiff's claims were barred by the statute of limitations and,
14 in the alternative, Defendants were entitled to qualified immunity. Dkt. 35. On October
15 23, 2017, Plaintiff filed a motion for an extension of time to file a motion for
16 reconsideration. Dkt. 38.¹ On November 3, 2017, Plaintiff filed the motion for
17 reconsideration. Dkt. 39.

18 Motions for reconsideration are governed by Federal Rule of Civil Procedure 60
19 and Local Rules W.D. Wash. LCR 7(h). LCR 7(h) provides:

20 Motions for reconsideration are disfavored. The court will ordinarily deny
21 such motions in the absence of a showing of manifest error in the prior

22 ¹ The Court grants the motion and will consider the merits of Plaintiff's motion for
reconsideration.

1 ruling or a showing of new facts or legal authority which could not have
2 been brought to its attention earlier with reasonable diligence.

3 The Ninth Circuit has described reconsideration as an “extraordinary remedy, to be used
4 sparingly in the interests of finality and conservation of judicial resources.” *Kona*
5 *Enters., Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000) (quoting 12 James
6 Wm. Moore et al., *Moore’s Federal Practice* § 59.30[4] (3d ed. 2000)). “[A] motion for
7 reconsideration should not be granted, absent highly unusual circumstances, unless the
8 district court is presented with newly discovered evidence, committed clear error, or if
9 there is an intervening change in the controlling law.” *Id.* (quoting 389 *Orange Street*
10 *Partners v. Arnold*, 179 F.3d 656, 665 (9th Cir. 1999)).

11 In this case, Plaintiff has failed to show that reconsideration is warranted. The
12 Court rejected Plaintiff’s equitable tolling argument when it considered the motion for
13 summary judgment, and Plaintiff again fails to show that equitable tolling is appropriate
14 in this matter. Moreover, Plaintiff fails to show that Defendants’ “premature and
15 reckless” alleged actions violated any clearly established law. Thus, even if equitable
16 tolling is relevant, Defendants are entitled to qualified immunity. Therefore, the Court
17 **DENIES** Plaintiff’s motion for reconsideration. Dkt. 39.

18 **IT IS SO ORDERED.**

19 Dated this 8th day of November, 2017.

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21 BENJAMIN H. SETTLE
22 United States District Judge